

## CLEARY GOTTlieb STEEN &amp; HAMILTON LLP

One Liberty Plaza  
New York, NY 10006-1470

T: +1 212 225 2000

F: +1 212 225 3999

clearygottlieb.com

WASHINGTON, D.C. • PARIS • BRUSSELS • LONDON • MOSCOW  
FRANKFURT • COLOGNE • ROME • MILAN • HONG KONG  
BEIJING • BUENOS AIRES • SÃO PAULO • ABU DHABI • SEOUL

D: +1 212-225-2086  
jrosenthal@cgsh.com

THOMAS J. MOLONEY  
RICHARD S. LINGER  
JAMES A. DUNCAN  
STEVEN M. LOEB  
CRAIG B. BROD  
NICOLAS GRABAR  
CHRISTOPHER E. AUSTIN  
HOWARD S. ZELBO  
DAVID E. BRODSKY  
ARTHUR H. KOHN  
RICHARD J. COOPER  
JEFFREYS S. LEWIS  
PAUL J. SHIM  
STEVEN L. WILNER  
ANDRES DE LA CRUZ  
DAVID C. LOPEZ  
MICHAEL A. GERSTENZANG  
LEV L. DASSIN  
NEIL Q. WHORISKEY  
JORGE U. JUANTORENA  
MICHAEL D. WEINBERGER  
DAVID LEINWAND  
DIANA L. WOLLMAN  
JEFFREY A. ROSENTHAL  
MICHAEL D. DAYAN  
CARMINE D. BOCCUZZI, JR.  
JEFFREY D. KARPFF  
KIMBERLY BROWN BLACKLOW  
ROBERT J. RAYMOND  
SUNG K. KANG  
SANDRA L. FLOW  
FRANCISCO L. CESTERO  
FRANCESCA L. ODELL  
WILLIAM J. MCRAE  
DANIEL C. REYNOLDS  
JOON H. KIM

MARGARET S. PEONIS  
LISA M. SCHWEITZER  
JUAN G. GIRÁLDEZ  
DUANE MCLAUGHLIN  
BREON S. PEACE  
CHANTALE E. KORDULA  
BENET J. O'REILLY  
ADAM E. FLEISHER  
SEAN A. O'NEAL  
GLENN P. MCGRORY  
MATTHEW P. SALERNO  
MICHAEL J. ALBANO  
VICTOR L. HOU  
ROGER A. COOPER  
AMY R. SHAPIRO  
JENNIFER KENNEDY PARK  
ELIZABETH LENAS  
LUKE A. BAREFOOT  
JONATHAN S. KOLODNER  
DANIEL ILAN  
MEYER H. FEDIDA  
ADRIAN R. LEIPSIC  
ELIZABETH VICENS  
ADAM J. BRENNEMAN  
ARI D. MACKINNON  
JAMES E. LANGSTON  
JARED GERBER  
COLIN D. LLOYD  
COREY M. GOODMAN  
RISHI ZUTSHI  
JANE VANLARE  
DAVID H. HERRINGTON  
KIMBERLY R. SPOERRI  
AARON J. MEYERS  
DANIEL C. REYNOLDS  
ABENA A. MAINOO

HUGH C. CONROY, JR.  
JOSEPH LANZKRON  
MAURICE R. GINDI  
KATHERINE R. REAVES  
RAHUL MUKHI  
ELANA S. BRONSON  
MANUEL SILVA  
KYLE A. HARRIS  
LINA BENSMAN  
ARON M. ZUCKERMAN  
RESIDENT PARTNERS  
SANDRA M. ROCKS  
JUDITH KASSEL  
PENELOPE L. CHRISTOPHOROU  
BOAZ S. MORAG  
MARY E. ALCOCK  
HEIDE H. ILGENFRITZ  
KATHLEEN M. EMBERGER  
AVRAM E. LUFT  
ANDREW WEAVER  
HELENA K. GRANNIS  
JOHN V. HARRISON  
CAROLINE F. HAYDAY  
NEIL R. MARKEL  
KENNETH S. BLAZEJEWSKI  
LAURA BAGARELLA  
SHIRLEY M. LO  
JONATHAN D.W. GIFFORD  
SUSANNA E. PARKER  
DAVID W.S. YUDIN  
RESIDENT COUNSEL  
LOUISE M. PARENT  
OF COUNSEL

June 22, 2020

VIA ELECTRONIC MAIL AND ECF

The Honorable Sean H. Lane  
United States Bankruptcy Court for the Southern District of New York  
One Bowling Green  
New York, NY 10004-1408  
shl.chambers@nysb.uscourts.gov

Re: *In re BSG Resources Limited*, No. 19-11845 (SHL)

Dear Judge Lane:

On behalf of Vale S.A. (“Vale”), we write to provide the Court with a brief update concerning these proceedings. While there remain outstanding disputes concerning confidentiality (which have been briefed for Your Honor) and assertions of privilege (on which the parties are making submissions to the Discovery Neutral), in the interest of moving these proceedings to closure, Vale nevertheless proceeded last week with the videoconference depositions of Joint Administrator William Callewaert and BSGR director Peter Driver. It is our hope to conduct the remaining two depositions, of Joint Administrator Malcolm Cohen and BSGR director Dag Cramer, promptly after resolution of the aforementioned open issues so that the parties can advance toward the recognition hearing.

We remain available at the Court’s convenience to schedule argument on the confidentiality dispute, which is fully briefed. See ECF Docket Nos. 94, 97 and 100. The Court’s adjudication of this pending motion will further the case as it could obviate the need for additional work or potential disagreement with regard to the designation of the Callewaert and Driver transcripts and whether the courtroom will need to be cleared when they are presented.

While we had understood that Your Honor intended to schedule a hearing on this motion, to the extent the Court believes it would be more efficient to rule on the papers, we wanted to note that the Joint Administrators submitted a 30-page reply – 50% longer than

Hon. Sean H. Lane, p. 2

permitted – without seeking either Vale’s consent or leave of the Court. Vale prefers to address the issues raised in the Joint Administrators’ over-length reply at oral argument, but if the Court is contemplating resolving the dispute on papers, Vale respectfully requests the right to submit a letter response of no more than four pages.

Respectfully submitted,



Jeffrey A. Rosenthal